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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Woodrow C. Monte      Docket No.: 32166.00002  
Application No.: 09/747,078      Group Art Unit: 1617  
Filing Date: December 21, 2000      Examiner: Shaojia A. Jiang  
TITLE: ADDING HEAT-SENSITIVE BIOLOGICALLY ACTIVE MATERIAL TO  
FOOD OR COSMETIC COMPOSITIONS

**RESPONSE PURSUANT TO 37 C.F.R. §1.116**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

Applicant responds to the Office Action mailed on January 28, 2001 as follows:

**I. Amendment.**

In the Claims.

Please delete claims 42-46.

**II. Remarks.**

Upon entry of this Amendment, claims 2-9, 11 and 13-41 are pending. All of the claims stand rejected (1) under 35 U.S.C. §112, paragraph 2, as indefinite, and (2) as being unpatentable over U.S. Patent No. 5,707,843 ("Monte '843") in view of U.S. Patent Nos. 5,578,336 and 5,424,299, all to Monte. Basically, the Examiner has maintained the same rejections asserted in the first Office Action, but (1) has provided no objective reasoning as to why the claims are indefinite, especially in view of the fact that the alleged indefinite terms are defined in the specification and are known to those skilled in the art, and (2) has misread the Monte '843 reference.

Application No. 09/747,078